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Subject: Microsoft Settlement

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This comment regards the proposed remedy for the case U.S. v. Microsoft wherein the U.S. Department of Justice has won the case but lost the settlement. As someone familiar with the computer industry, and the stifling effects of Microsoft's monopolies in this area, I cannot see how the proposed settlement will fix the problem. Microsoft has been found culpable as a market monopolist and one should expect that the settlement would reflect this. This settlement as it stands now provides no real deterrent against the abuses for which it was design to prevent: thereby, not only does it fail in it intended goal but it further emboldens Microsoft to continue down this path and only guarantees that Microsoft will be back before the courts for a third time. Please remember that the first settlement with Microsoft had no real effect and the company has been maintaining its monopoly status in other ways not contemplated by the original settlement. This new settlement must be more comprehensive and foresight full than the last; it must be in the people's interest, not Microsoft's: after all Microsoft is the abusive monopolist. Microsoft controls the operating system and the office productivity markets and indeed there have been no challenges to Microsoft's position in either of these markets for many years for which the previous settlement was supposed to correct.

The settlement as it stands now must also include these points:

1. A punitive assessment that will be felt by the company. It must be large enough to give
Microsoft pause and make it think twice about future abuses.
2. In order to level the playing field and allow for competition in the operating system
market in a meaningful way all Microsoft operating systems must become extra-cost
options in the purchase of new computers. The purchaser of a computer does not have to
buy a Microsoft operating system if they do not want to.
3. Also in order to level the playing field in the application markets then all bundled
components in Microsoft operating systems must be unbundled and either made separate
products each for sale on its own merits or with drawn from availability. The user who
does not wish to purchase Microsoft applications will not be forced to do so even if
they use a Microsoft operating system. This recognizes the point that the vast majority
of computer users don't have any choice of operating system and must utilize a
Microsoft operating system in order to even use a computer.
4. It is not enough to force the publication of the operating system API's (these are the
mechanisms by which applications interact with the operating system). Microsoft has a
monopoly in the Office productivity segment of the market and in recognition of this
then the settlement must have a provision such that all present and future file format
specifications of all of Microsoft's products must be made public, placed on a easy to
find address on the internet at Microsoft's expense and that they must be kept up to
date reliably available and accurate in a very timely fashion.
5. There must be a provision for appointing a Special Master who will determine
Microsoft's compliance on all points of the settlement. This is to ensure that any
corrective action that Microsoft may need to take in order to maintain compliance with
the settlement is performed in a timely manner. The computer industry moves and changes

quickly and as a result by the time an infraction is brought to court in normal

circumstances then the harmed commercial entities will most likely not exist and there

by in effect help Microsoft maintain its monopoly positions even if found guilty of

violation. Delay tactics must not be allowed to frustrate the goals of the settlement.

Also the Special Master will decide what API are excluded from publication based on

their appropriateness of exclusion for security or antivirus reasons as provided in the

existing settlement.

It is in the country's best interest to have a meaningful punishment against Microsoft not

a swift one that does not protect the markets from unfair competition.